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[Proposed] Counsel to Bradley D. Sharp,
Chapter 11 Trustee

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re:

LESLIE KLEIN,

Debtor.

Case No.: 2:23-bk-10990-SK

Chapter 11

**CHAPTER 11 TRUSTEE'S RESPONSE TO
FIRST AND FINAL FEE APPLICATION
FOR COMPENSATION AND
REIMBURSEMENT OF EXPENSES OF
MICHAEL JAY BERGER**

Date: August 9, 2023
Time: 10:00 a.m.
Courtroom: 1575
Location: 255 E. Temple Street
Los Angeles, CA 90012
Judge: Hon. Sandra R. Klein

Bradley D. Sharp ("**Trustee**"), the duly appointed trustee for the chapter 11 estate of Leslie Klein (the "**Debtor**"), hereby files this response (the "**Response**") to the First and Final Fee Application for Compensation and Reimbursement of Expenses of Michael Jay Berger [Docket No. 181] (the "**Fee Application**"). In support of the Response, the Trustee respectfully represents as follows:

The Court Should Continue Consideration of the Fee Application

On June 23, 2023, Mr. Berger, the Debtor's former bankruptcy counsel, filed the Fee Application seeking approval of \$73,558.50 in fees and \$1,770.00 in expenses. The Trustee is not

1 currently questioning or objecting to the services provided by Mr. Berger. Rather, (a) it is too early
2 in the Trustee's engagement for him to adequately assess the merits of the services for which Mr.
3 Berger seeks compensation and (b) it is not clear whether or not the retainer received by Mr. Berger
4 from entities controlled by the Debtor was ultimately derived from property of the estate or
5 otherwise improperly transferred by the Debtor through one of several related non-debtor entities.

6 Given the Trustee's recent appointment, his concurrent engagement of professionals, and the
7 fact that the Trustee and his professionals have only just begun untangling the complicated web of
8 estate assets and liabilities against the estate, it is premature for the Fee Application to be considered
9 at this time. While Mr. Berger's Fee Application might warrant approval, there is no reason why
10 Mr. Berger should be preferred over other administrative creditors simply because he is no longer
11 serving as counsel to the Debtor and he filed a final fee application before any other estate
12 representative.

13 Accordingly, the Trustee requests that the Fee Application be taken off calendar until after
14 the Trustee has stabilized the Debtor's estate and is in a position to not only adequately consider the
15 Fee Application and assess the fees sought, but also know whether the Debtor's estate can pay such
16 fees to the extent the Court might approve them.

17 **Conclusion**

18 For the reasons stated herein and at the hearing, the Trustee respectfully requests the Court to
19 continue the hearing on the Fee Application to a date to be determined.

20 Dated: July 19, 2023

PACHULSKI STANG ZIEHL & JONES LLP

21 By /s/ John W. Lucas

22 John W. Lucas

23 [Proposed] Counsel to Bradley D. Sharp,
24 Chapter 11 Trustee

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
10100 Santa Monica Boulevard, 13th Floor, Los Angeles, California 90067

A true and correct copy of the foregoing document entitled (*specify*): **CHAPTER 11 TRUSTEE'S RESPONSE TO FIRST AND FINAL FEE APPLICATION FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES OF MICHAEL JAY BERGER** will be served or was served (**a**) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (**b**) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) **June 19, 2023**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL**:

On (*date*) **June 19, 2023**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

June 19, 2023

Date

Nancy H. Brown

Printed Name

/s/ Nancy H. Brown

Signature

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